

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ELVIA GONZALEZ,

**Plaintiff(s),**

V.

NANCY A. BERRYHILL

Defendant(s).

Case No.: 2:18-cv-02199-APG-NJK

## Order

[Docket No. 15]

16 Pending before the Court is the Commissioner's unopposed motion to extend the deadline  
17 to respond to Plaintiff's motion to remand by 30 days. Docket No. 15. The underlying reason for  
18 the request is counsel's competing litigation obligations. *See id.*

19 The Court provides by default a healthy briefing schedule in social security appeals,  
20 including a cushioned 30-day period for the Commissioner to respond to the Plaintiff's motion to  
21 remand. *See* Docket No. 9 at 3. "The Court is cognizant of the difficulties in managing 'competing  
22 workload demands,' but it appears to have become a matter of routine for the Commissioner to  
23 point to such issues in seeking extensions." *Betten v. Berryhill*, Case No. 2:18-cv-00536-KJD-  
24 NJK, Docket No. 24 (D. Nev. Dec. 06, 2018).<sup>1</sup> Bluntly put, having an attorney take on more work  
25 than she can handle is not good cause for an extension. *See, e.g., Olesczuk v. Citizens One Home*

<sup>27</sup> 1 To be clear, this is not an issue isolated to the attorney assigned to this case, and the Court  
<sup>28</sup> is not impugning her through this order. Instead, this appears to be a common issue for the various  
attorneys who represent the Commissioner in this Court.

1 *Loans*, 2016 U.S. Dist. Lexis 153342, at \*6 n.3 (D. Nev. Nov. 4, 2016) (citing *Greene v. Alhambra*  
2 *Hosp. Med. Ctr.*, 2015 U.S. Dist. Lexis 72697, at \*3 (D. Nev. June 3, 2015)). Government  
3 attorneys are not immune from that basic proposition. “This issue needs to be rectified, as the  
4 Court will not continue to indulge such requests *ad infinitum*.” *Betten*, Docket No. 24.

5 The Commissioner’s counsel’s overly heavy workload is not good cause for any extension,  
6 let alone a 30-day extension. As a one-time courtesy, the Court will extend the deadline to respond  
7 to Plaintiff’s motion to April 25, 2019. As it has before, the Court also orders as follows:

8 the Commissioner should not expect that the Court will grant future  
9 requests based on the apparent over-staffing of [] attorneys. Within  
10 7 days of the issuance of this order, counsel shall file a proof of  
service indicating that she has provided a copy of this order to  
Deborah Lee Stachel, Regional Chief Counsel, Region IX.

11 *Betten*, Docket No. 24.

12 Accordingly, the Commissioner’s motion to extend is **GRANTED** in part and **DENIED**  
13 in part. **NO FURTHER EXTENSIONS WILL BE GRANTED.**

14 **IT IS SO ORDERED.**

15 Dated: April 15, 2019

16   
17 Nancy J. Koppe  
18 United States Magistrate Judge

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